IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 70 OF 2007

Shri Bharat Bhaskar Gaikwad ..Applicant

Vs.

The State of Maharashtra
P.I. Ozar Police Station,
Nasik. ..Respondent

Smt. S.A. Dhamale for applicant.
Mr. U.V. Nikam, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : February 02, 2007.

P.C.:

1. C.R. No.72 of 2006 for offences punishable under Sections 399 and 402 was registered against the applicant and six other accused. The applicant was taken in custody on 15/6/2006 and thereafter granted magisterial custody on 17/6/2006. His first bail application was rejected on 19/10/2006 and he has approached this court for being released on bail under Section 439(2) of Cr.P.C. pending the trial.

2. Admittedly, the charge-sheet has been filed on 30/9/3006 and one accused who was the driver of the

vehicle has been released on bail. As per the prosecution at about 3 a.m. on 15/6/2006 the accused were apprehended by the police while travelling in the vehicle and they were with weapons. Though the charge-sheet has been filed on 30/9/2006, the State opposes this application for bail and in the reply filed by the Asstt. Inspector of Police, Ozar Police Station, it is contended that the applicant has his own past and was impleaded as an accused in C.R. No.45 of 2006 for the offence punishable under Section 379 of IPC and in C.R. No.99 of 2006 for the offence punishable under Section 379 read with Section 34 of IPC. It is, therefore, suggested that the applicant is a dangerous person and is capable of tampering with the evidence of prosecution, if he is released on bail at this stage.

3. I have heard Mrs. Dhamale the learned counsel for the applicant and having regards to the obtaining circumstances, this is not a fit case where the applicant should be granted bail now.

4. Hence the application is rejected and it is

directed that the trial of Sessions Case arising out of C.R. No.72 of 2006 registered with Ozar Police Station, Nasik be expedited. If the trial of the sessions case does not commence by 1/4/2007, the applicant shall be entitled to apply for fresh bail, which application shall be considered by the trial court on its own merits.

(B.H. Marlapalle,J.)